

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

QUINN AARON KLEIN,)	
)	
Plaintiff,)	
vs.)	NO. CIV-13-1207-HE
)	
JO GWINN, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff Quinn Aaron Klein, a state prisoner appearing *pro se*, filed this § 1983 action, alleging violation of his constitutional rights. The matter was referred for initial proceedings to Magistrate Judge Charles B. Goodwin, pursuant to 28 U.S.C. § 636(b)(1)(B). He has recommended that plaintiff's request to proceed *in forma pauperis* ("*ifp*") be denied because plaintiff has accumulated three strikes, *see* 28 U.S.C. § 1915(g), and has not demonstrated the required "imminent danger of serious physical injury" for *ifp* status. *Id.*


Plaintiff responded by filing a motion seeking leave to respond out of time and an objection to the Report and Recommendation. Plaintiff's motion to file a late response [Doc. #18] is **GRANTED**. However, the court is not persuaded by plaintiff's objection. He has not shown that the magistrate judge erred when he concluded plaintiff had not made the necessary showing to proceed *ifp*.

Accordingly, the court adopts Magistrate Judge Goodwin's Report and Recommendation. Plaintiff's motion to proceed *ifp* [Doc. #3] is **DENIED**. Unless plaintiff pays the \$400.00 filing fee by **January 17, 2014**, this action will be dismissed without

prejudice.

IT IS SO ORDERED.

Dated this 27th day of December, 2013.



JOE HEATON
UNITED STATES DISTRICT JUDGE